

SPECIAL VISITORS

To commemorate the up-coming Ankeny Centennial July 9 through 13, 1975, Representative Byerly rose on a point of personal privilege and introduced ten ladies from the Ankeny Centennial Chamber Maids. Headed by Mrs. Mary Lou Hermann and Mrs. Dorothy Donaghy, the group presented Representative Byerly and Speaker Cochran with the Ankeny centennial medallions and invited the Representatives to attend the festivities in July.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber for part of the day May 14, 1975. Had I been present, I would have voted "aye" on House File 801, H—3731A, H—3731B, H—3731C, H—3731D to Senate amendment S—3620; H—3732 to Senate amendment S—3620; Senate amendment S—3620 and House File 90.

KOOGLER of Mahaska

I was absent from the House when the vote on House Files 776, 195, 723, 780, 185 and 486 was taken, in order to give a speech to a group of Wauke sixth grade students. Had I been present I would have voted "aye" on House Files 776, 195, 723, 780 and 185, and "nay" on House File 486.

O'HALLORAN of Black Hawk

IN OPPOSITION TO CONTEST COMMITTEE MAJORITY REPORT

Today, we are supposed to sit as a judicial body as we deliberate the election contest in House District Two. We must act, not as partisan pawns supporting a political viewpoint, but rather as judges who are charged with studying and reviewing the facts of the election last November. We are charged with rising above political considerations and making an impartial, just decision. That is what we are supposed to do, but I fear that the Lyle Stephens election contest has fallen victim to political consideration.

I am concerned that the majority of the members of this body today will act irresponsibly and vote to unseat Lyle Stephens. Those who vote in this manner will ignore their responsibility to the people of Iowa who entrusted them with the responsibility as caretakers of government. Instead—they will put political considerations ahead of the rights of the disfranchised 92 voters in House District Two.

Let me ask—how many of you whose names were placed before the electorate last November would like it if 92 voters were removed from your totals without regard for the rights of the individuals involved? How would you like it if 92 people who are your constituents were told that, although they had taken the time to vote, their rights had been removed?

We are not dealing with a bill which can be repealed or changed later. In this election contest we are dealing with the rights of 92 people in Plymouth County to vote. If the House acts to erase those votes, they can never be recovered. If the majority party, through a political vote in this chamber, votes to disqualify those voters, they have been denied the right to vote.

If such a vote is cast this evening, I can tell you that we have set a dangerous precedent. Our entire system of government is based on majority rule—but that fundamental right guarantees that the majority of the people will decide who will represent them.

It does not imply that the majority party has the right to ignore the rights of the voters and seat their candidate. Therefore, you are dealing with a basic Constitutional right and you have every reason to resist the efforts of the majority leaders to decide the outcome of this judicial matter as a political decision.

We are all aware of the action by the Democratic State Central Committee of some two weeks ago, virtually directing the Democratic members of this House to act like puppets and unseat Lyle Stephens. Like good soldiers, the House leadership worked toward this objective and many members of the Democratic caucus succumbed to the pressure. Now, we are on the verge of voting to remove Lyle Stephens from the House as if he never existed.

The fact is that Lyle Stephens does exist, and for the majority of the residents of his district he is their elected representative in this body. Who wants the task of explaining to his constituents how he won the election but has been removed from this body? Who wants to explain that the Democratic State Central Committee has greater wallop in this House than the people who legally elected Lyle Stephens?

In the past several years we have heard a lot of talk from the Democratic side of the aisle about opening the political process. We have heard more recently about an election revision bill they are championing to encourage people to vote. The Cedar Rapids Gazette of May 12 stated that "It is a section dear to the heart of Fitzgerald—to permit open voter registration at the polls on election days to make sure every eligible Iowan has a chance to vote." But now we see these same so-called champions of encouraging people to vote, turning around and denying people the right to vote.

How hypocritical can some members of this House be? In the Stephens-Spradling election contest, the champions of encouraging people to vote only faced one problem. The people in House District Two voted for the wrong person and the wrong person, as far as the Democratic majority is concerned, is Lyle Stephens. The conclusion is clear—the Democrats want election reform to open the election process only if it helps them.

It is totally irresponsible that a group of elected representatives must put politics ahead of everything else. As you are aware, the Republicans, when they have controlled the House, have voted to seat 15 Republicans and 12 Democrats, with one tie which was decided by lot. It is a tradition in this House that when we are dealing with the rights of people, we give top priority to seeing that a fair and just decision is reached.

This is not, I fear, going to happen today. You are, despite the evidence, going to unseat Lyle Stephens in a sheer political decision. You are not going to listen to the debate and you are not going to change your votes because the great voice of the Democratic State Central Committee has rendered you helpless to act on your own. This House is being intimidated into a political decision and I resent it.

Now, in closing, I would like for each of you to come up with a valid reason for unseating Lyle Stephens. Certainly Lyle has done nothing wrong. Certainly there has been no evidence that there was fraud or wrongdoing. The fact is that Lyle Stephens is being unseated because he

appeared to be an easy target—his margin of victory was only 24 votes—and you cannot exercise the restraint necessary to resist the political pressure. You would rather discredit the political system than to stand up for what is right and honest. When you consider the facts, that is what it all boils down to. It is easier for you to vote for Lyle Stephens' removal than to go against the tide. I am confident that there are some Democrats who will stand by the right decision and I salute them for their independence.

I would submit that everyone in this chamber has some black mark on your record—possibly you just failed to file a disclosure report on time or your disclosure report contained some inaccuracies—or maybe your auditor also mailed out the ballots, like they did in Plymouth County. For each of us, there is something that detracts from our election to this chamber.

Therefore, let the one who is without error and who has not made a mistake cast the first vote against Lyle Stephens. I urge you to vote "no" on the majority committee report.

MILLEN of Van Buren

In giving thought to the substance of this extraordinary proceeding, we would be well advised to perceive the process, the mechanism which has brought it to our collective conscience to resolve. We should not lightly regard our role as surrogates of the Second Legislative District, ninety-seven electors thrown to the task of choosing a representative for 28,000 people. As to their provincial dreams, aspirations, prejudices, jealousies, I do not by direct knowledge know which of the choices before us best suits that district. But, I do know their efforts to express the collective will by ballot. I do know my obligation to preserve the integrity of that ballot. I do know that election frauds will, in the words of the Brookings Institution, "undermine public morale and interest in civic affairs more quickly than any other condition," whether that fraud occurs in a county courthouse or in the lofty chamber of a House of Representatives!

This question does not necessitate party loyalty, no budget to balance, no competition of special interest priorities, no balancing of power between the branches of government. It requires the recognition of truth, each alone, with and by ourselves.

And, thus, we bring into this Chamber today the honor of ourselves and our people to perform surely one of the gravest responsibilities we have. What each of us does today as we vote reveals our *individual* perception of our moral ethic. Collectively, those decisions become the commonweal of this state. To be representative, a legislature must be an accurate map of the whole state, a mirror which reflects accurately the various parts of the public. As Mirabeau in 1789 observed, "A presentative body is to a nation what a chart is for the physical configuration of its soil."

What then will be our collective statement? It can be a statement which gives us defensible satisfaction of knowing what we did strengthened our system of government. Or, a statement which brings to our several millions of constituents a scene of furtive glances, hushed questions, mumbled replies and a selfish hope the whole sordid affair will recede in memory.

The gentlemen from Polk, Story, and Muscatine have articulated the process which brought us here. To state it in the words of Hamilton writing in *The Federalist Papers* on the necessity for Congress to pass on its members, he said: "Every government ought to contain in itself the means of its own preservation. They have submitted the regulation of elections for the federal government, in the first instance, to the local administra-

tions, which in ordinary cases and when no improper views prevail, may be more convenient and more satisfactory; but, they have reserved to the national authority a right to interpose whenever *extraordinary* circumstances might render that interposition necessary to its safety.

"Let us now see what would be the danger on the other side; that is, from confiding the ultimate right of regulating its own elections to the Union itself. It is not pretended that this right would ever be used for the exclusion of any State from its share in the representation. The interest of all would, in this respect at least, be the security of all. But it is alleged that it might be employed in such a manner as to promote the election of some favorite class of men in exclusion of others, by confining the places of election to particular districts, and rendering it impracticable to the citizens at large to partake in the choice. Of all chimerical suppositions this seems to be the most chimerical. On the one hand, no rational calculation of probabilities would lead us to imagine that the disposition which a conduct so violent and extraordinary would imply, could ever find its way into the national councils; and on the other, it may be concluded with certainty that if so improper a spirit should ever gain admittance into them, it would display itself in a form altogether different and far more decisive.

"The improbability of the attempt may be satisfactorily inferred from this single reflection, that it could never be made without causing an immediate revolt of the great body of the people, headed and directed by the State governments. It is not difficult to conceive that this characteristic right of freedom may in certain turbulent and factious seasons be violated, in respect to a particular class of citizens, by a victorious and overbearing majority; but that so fundamental a privilege in a country so situated and enlightened, should be invaded to the prejudice of the great mass of the people, by the deliberate policy of the government, without occasioning a popular revolution, is altogether inconceivable and incredible."

Are we here going to manufacture the stain of contrived illegality and brush it cavalierly over the obvious will of those people? Are we going to join the Roman Senate and on the Ides of May seize the dagger and strike down one among us? Upon whose conscience shall the anguish of Brutus fall? By what backroom manipulation is born such disregard for simple truth?

There abides in the sanctum of party politics throughout the land a selfish hope the whole thing will go away.

Let me tell you something. It will *not* go away. If that majority report is adopted, that seat will never be filled during the Sixty-sixth General Assembly. Its mere occupancy by the contestant will not fill it. Only the spirit of the Second District can fill it. Only the spirit of Iowa can fill it. And fill it they will. They will fill it with the spirit of '76.

OAKLEY of Clinton

We have come today in justice and in judgment for the singular purpose of determining if one of our member is to remain a member. I would say to you that sitting in judgment is an awesome and terrible thing and certainly is vastly different from that which we generally do. When performing our roles as legislators, our own personal philosophy, our own prejudices, our constituents desires and our political instincts and ambitions set a reference framework for our activities. But today, ladies and gentlemen, *we cannot* allow ourselves these luxuries but must be divorced from them so that we will think clearly and objectively about what we are doing.

We must be honest with ourselves as to what our final judgment will be based on, the law and the facts. However, we must constantly bear in mind the writers admonition relating to the letter and the spirit of the law. We cannot indulge in pharacaical hypocrisy and expect to be true to ourselves and the oath which we have taken. For in fact, today we sit in judgment of ourselves and how we judge ourselves is how we will be remembered. We can be remembered as men with right consciences who placed political ambition and partisan bickering aside for the sake of justice, or we can be remembered as a body which was motivated by political opportunism. A few years from now only those of us in this Assembly will truly remember what happens here today. But those of us who remember, will ponder, except for the most *callous* the outcome and our personal part in that outcome. A bad judgment will not be forgotten because it cannot be erased. That indelible mark will remain and although time dims the memory it will continue to remain. How well many of you sleep tonight and succeeding nights to come will depend entirely on what price you place on the maintenance of your integrity and your honor. For some of those who would prostitute their integrity and honor for one reason or another, it will not take long to realize their error, just as it did not take Judas Iscariot long to comprehend his error. Others, it will take a bit longer and they, like Augustine, will try to shove the inevitable aside, but it is inevitable.

Ladies and gentlemen, I would ask of you to clearly and honestly consider what you have heard in the assembly and then vote your conscience, vote your honest convictions—then I am certain there can be but one result and that is a resounding no to the majority report. However, if partisan—loyalty and discipline are more important than honor and integrity to you, you have only my pity, for you deserve to be pitied.

JUNKER of Woodbury

BILLS ENROLLED, SIGNED AND SENT TO GOVERNOR

The Chief Clerk of the House submitted the following report:

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following bills have been examined and found correctly enrolled, signed by the Speaker of the House and the President of the Senate, and presented to the Governor for his approval on this 15th day of May, 1975: House Files 728 and 741.

DAVID L. WRAY
Chief Clerk of the House

Report adopted.

BILLS SIGNED BY THE GOVERNOR

A communication was received from the Governor announcing that on May 15, 1975, he approved and transmitted to the Secretary of State the following bills:

House File 69, an act to change the name of the Iowa Soldiers Home and relating to eligibility requirements for admission thereto.

House File 127, an act to revise and repeal obsolete provisions of the railroad laws.